

Notice of Allowability

Application No.

09/483,063

Examiner

Minh Dinh

Applicant(s)

TOH ET AL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed 11/10/2005.
2. ☒ The allowed claim(s) is/are 15-19,24-30 and 34-40.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This action is in response to the amendment filed 11/10/2005. Claims 26 and 34-37 have been amended; claims 31-33 have been cancelled.

Allowable Subject Matter

2. Claims 15-19, 24-30 and 34-40 are allowed.

1. The following is an examiner's statement of reasons for allowance. The present invention is directed to a method for installing software products ordered by a customer into a computer by the computer manufacture, the software products being stored on a storage media which is delivered to the customer together with the computer. More specifically, independent claims 15 and 24 identify the uniquely distinct features: other software products that are not ordered by the customer are also stored on the storage media; the computer manufacture writes the identifiers of the ordered software products into a non-volatile memory of the computer, a software product stored on the storage media can only be installed or re-installed to the computer if its identifier stored on the storage media matches an identifier stored in the non-volatile memory of the computer. The closest prior art include: (a) O'Connor (5,894,571) teaches a method for manufacturing a build-to-order computer system, however, O'Connor teaches storing the computer identifier and only software products that are ordered by a customer to a CD-ROM and that software installation and recovery are controlled by the computer identifier; (b) Bohannon et al (6,134,324) teaches a method for software delivery that

uses a CD-ROM to store software products and that software installation/recovery is also controlled by comparing software product identifiers stored on the CD-ROM and identifiers stored on a non-volatile memory of the computer, however, Bohannon does not teach that identifiers of ordered software products are written to the non-volatile memory by a computer manufacturer; and (c) Day et al (6,016,400) teaches a method for manufacturing a build-to-order computer system that uses a CD-ROM storing all software products compatible to a certain computer and a floppy disk that has the identifiers of software products order by a customer to control which software products on the CD-ROM will be installed into the computer at the manufacture; however, Day is silent as to whether the floppy disk will be delivered to the customer and whether a CD-ROM with all software products or with only ordered software products will be deliver to the customer.

Independent claim 26 is directed to a method for a computer manufacturer providing software upgrading after a computer system has been delivered to a customer. Independent claim 26 identifies the uniquely distinct features: other software products that are not ordered by the customer but compatible to the computer system are also stored on the storage media; the computer manufacture, after receiving a request by the customer to purchase additional software products, delivers a software upgrade module to the computer system that writes the identifiers of the purchased additional software products into the non-volatile memory of the computer system. Bohannon allows a customer to purchase additional software products; however, the upgrading process is controlled by the software vendor/CD manufacture but not the

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computer manufacture. The prior art, taken either singly or in combination, fails to anticipate or fairly suggest the limitations of applicant's independent claims, in such a manner that a rejection under 35 U.S.C 102 or 103 would be proper. The claims are therefore considered to be in condition for allowance as being novel and nonobvious over prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

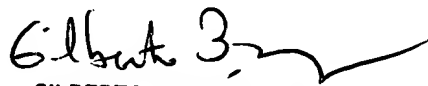
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MD

Minh Dinh
Examiner
Art Unit 2132

MD
11/23/05


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